

LD0290152

HOUSE BILL NO. 1886**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice
on February 4, 1995)

(Patron Prior to Substitute—Delegate Clement)

A BILL to amend and reenact § 31-6 of the Code of Virginia, relating to guardians' bonds.

Be it enacted by the General Assembly of Virginia:**1. That § 31-6 of the Code of Virginia is amended and reenacted as follows:**

§ 31-6. Guardians to give bond; surety thereon; liability of judge or clerk.

Every guardian, unless, in the case of a testamentary guardian, the will otherwise directs and the court or judge or clerk of the circuit or corporation court, as the case may be, in such case deems it unnecessary for the safety of the ward, shall give bond with good security, to be approved by the court or judge or such clerk by which he is appointed or in which he accepts the trust in such penalty as shall be prescribed by the court or judge or such clerk. When the same guardian qualifies upon the estate of two or more wards who are members of the same family, only one qualification and one guardianship bond shall be required. If any court or judge or such clerk omit to require such a bond, the judge or clerk so in default shall be liable to the ward for any damages he may sustain thereby.

Before the appointment of any guardian for the estate of a minor, the person seeking appointment shall, in the court or before the clerk making the appointment, take an oath that he will faithfully perform the duties of his office to the best of his judgment and give his bond in an amount at least equal to the full value of the minor's personal estate coming under his control. If any judge or clerk fails to require such a bond, he shall be liable to the ward for any damages the minor may sustain thereby.

Every guardian shall provide surety upon his bond unless it is waived pursuant to § 26-4 or, in the case of a testamentary guardian, the testator's will waives surety; however, the clerk, or the court on its own motion or the motion of another, may at any time, require surety upon a guardian's bond. Every order appointing a guardian shall state whether or not surety is required.

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